

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

MIGUEL A. TORRES-BAEZ,

Plaintiff,

v.

Civil Action No. 2:20-cv-580

DEPUTY GIOVENCO-MONTANO, *et al.*,

Defendants.

**ORDER**

Plaintiff Miguel A. Torres-Baez (“Plaintiff”) filed this civil rights action pursuant to 42 U.S.C. § 1983 against John Doe, Lieutenant Jason Giovenco-Montano,<sup>1</sup> Deputy Gabriel Ozzimo, and Deputy Tyler Thomas (“Defendants”) for injuries Plaintiff sustained on February 9, 2017 while an inmate at Norfolk City Jail.

Pursuant to 28 U.S.C. § 636(b)(1)(B), Federal Rule of Civil Procedure 72(b), and by Order (ECF No. 103), this matter was referred to United States Magistrate Judge Robert J. Krask for a Report and Recommendation (“R&R”). In the R&R (ECF No. 111), filed on October 4, 2022, Magistrate Judge Krask recommended that the Court GRANT IN PART and DENY IN PART Plaintiff’s Motion for Attorneys’ Fees (ECF No. 96) and award attorneys’ fees to Plaintiff in the amount of \$56,740.60.

By copy of the R&R, each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge. Each party was advised that any objection must be made within fourteen days from the date the R&R was forwarded to each party

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<sup>1</sup> Lieutenant Giovenco-Montano died during the litigation and was subsequently dismissed from the case. (ECF Nos. 81-83).

by Notice of Electronic filing or mail, computed pursuant to Rule 6(a) of the Federal Rules of Civil Procedure. Rule 6(d) permits an extra three (3) days if service occurs by mail. The parties were further advised that failure to file timely objections to the findings and recommendations would result in a waiver of any right to a *de novo* review of the determinations contained in the R&R. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005). The time for filing written objections has passed, and neither party has filed objections. “[I]n the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record to accept the recommendation.’” *Id.* (citation omitted).

The Court has reviewed the R&R and finds no clear error on the face of the record. Accordingly, the Court hereby ADOPTS and APPROVES in full the findings and recommendations set forth in the R&R. It is hereby ORDERED that Plaintiff’s Motion for Attorneys’ Fees (ECF No. 96) is GRANTED IN PART and DENIED IN PART, and Plaintiff is awarded attorneys’ fees in the amount of \$56,740.60.

It is so ORDERED.

Norfolk, Virginia  
Date: October 26, 2022

  
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/s/ Elizabeth W. Hanes  
United States District Judge